

SUBCHAPTER C : REGISTRATION/LICENSURE OF IRRIGATORS AND INSTALLERS

§344.20. Eligibility for Certificates of Registration.

(a) The executive director will issue certificates of registration only to persons who are prequalified (in accordance with §344.20(b)(1)) and eligible for registration as licensed irrigators or licensed installers under Texas Water Code Chapter 34 and these sections. No certificate of registration may be issued to any firm, partnership, corporation, or other group of persons.

(b) No person is eligible to receive a licensed irrigator's or licensed installer's certificate of registration unless an application has been submitted pursuant to these sections and:

(1) the executive director has determined that the person has passed a uniform, reasonable examination for irrigators or installers, as applicable, administered by the executive director in accordance with these sections and Texas Water Code Chapter 34. To pass such examination, a person must satisfactorily demonstrate sufficient proficiency in, but not limited to, the principles of cross connections, safety devices to prevent contamination of potable water supplies, efficient irrigation system design and installation, water conservation, hydraulics, and backflow prevention. Three hundred and sixty (360) days after the effective date of these proposed new rules the applicant must present evidence of completion of an executive director approved course prior to taking the examination; or

(2) the executive director has determined that the person registered as the equivalent of a licensed irrigator or licensed installer in another state or country that has requirements for registration or licensing that are substantially equivalent to the requirements of Texas (in accordance with §344.23(b)), and that extends the same privilege of reciprocity to licensed irrigators or licensed installers registered in Texas.

Adopted May 29, 1996

Effective June 28, 1996

§344.23. Applications for Certificates of Registration.

(a) Every person applying for a licensed irrigator's or licensed installer's certificate of registration must complete a required application form and submit it to the executive director with the required application and examination fee.

(b) In addition to submitting a completed application form and fee, a person holding the equivalent of a valid licensed irrigator's or licensed installer's certificate of registration in another state who wishes to be considered for registration in Texas under reciprocity, must arrange for a certified copy of the certification record from the state or country in which the person is registered to be directly submitted to the executive director by the state or foreign registration agency. Obtaining a passing grade on all or any part of the written examination required for registration may be waived by the executive director on a case by case basis for any person holding the equivalent of a valid irrigator's or

installer's license or certificate of registration issued by another state or country that has substantially equivalent requirements as Texas.

(c) Upon request, the executive director will furnish the required application form and instructions for obtaining a licensed irrigator's or licensed installer's certificate of registration.

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§344.26. Application and Examination Fees; Form of Payment.

Persons applying for an irrigator's certificate of registration must remit an application and examination fee of \$75. Persons applying for an installer's certificate of registration must remit an application and examination fee of \$35. Payments must be made by personal check, money order, or cashier's check made payable to the Texas Natural Resource Conservation Commission. These fees are not refundable.

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§344.27. Application Processing.

(a) Applications for registration must be submitted to the executive director in a complete form and accompanied by the required fee, as applicable.

(b) Applications for registration by examination may be made at any time but must be accompanied by the appropriate fee and received by the executive director at least 45 days prior to the applicant's examination date. Applicants will be responsible for fulfilling all application requirements by this deadline. If the application is complete, the executive director will notify the applicant, so stating.

(c) The executive director will verify each submitted application, and if the commission or the executive director requires additional relevant information, the applicant must submit such information within the time and in the form requested. The applicant will be given notice of any deficiency within 10 working days of receipt of the application.

(d) Rejection of an application for registration will be by letter sent by mail to the applicant explaining the executive director's reasons for rejection, outlining the procedures under which reconsideration may be possible, and explaining the applicant's right to a hearing.

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§344.28. Determination of Application for Registration under Reciprocity.

The executive director's approval of an application for registration under reciprocity will be given by letter, within 30 days after receipt of said application and all supporting documentation, which assigns the applicant a registration number. A certificate of registration and identification card will be

issued upon the applicant's compliance with §344.59 of this title (relating to Seal Required) and §344.60 of this title (relating to Seal and Rubber Stamp Facsimile Design), as applicable.

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§344.29. Incomplete Application Returned.

If an applicant resubmits an incomplete application after the executive director has returned the application to the applicant with written instructions to completely answer all or particular parts of the application, the executive director may return the application to the applicant again without any further action or explanation.

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§344.30. Rejection of Application.

The executive director may reject an application if:

- (1) the applicant has not completely filled in the required application form and submitted it to the executive director in accordance with these sections; or
- (2) the applicant has failed to remit the required fee in accordance with these sections.

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§344.34. Eligibility for Written Examinations.

The executive director will administer written examinations only to persons who have prequalified by completing the required course, in accordance with §344.20(b)(1) (relating to training course) and submitting a complete application form and the required fee to the executive director in accordance with these sections.

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§344.37. Notification of Examination Date, Time, and Place.

The executive director will notify each person eligible to take the written examination of the examination date, time, and place by first-class mail at the address shown on the application.

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§344.38. Appearance for Examination; Failure to Appear.

Applicants must personally appear for the written examination at the designated date, time, and place and be prepared to present sufficient identification. An applicant who fails to appear for an

examination will forfeit the required fee except upon written request showing good cause why the applicant failed to appear, as determined by the executive director.

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§344.39. Examination Conditions.

Examinations will be conducted under conditions assuring honest results. The executive director, or his designee will monitor all tests. Examinees will not be permitted to communicate with anyone except a designated monitor during the examination period.

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§344.40. Grading; Minimum Passing Score.

A score of 70% or higher on each and every section of the applicable examination is required for registration as a licensed irrigator or licensed installer.

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§344.41. Notification of Examination Results and Performance.

Within 45 days after the day on which an applicant completed an examination, the executive director will send the applicant's examination results by first-class mail. If requested in writing by an applicant who fails the examination, the executive director will send to the applicant, within 60 days after the day on which the request is received by the executive director, an analysis of the applicant's performance on the examination. The applicant must make a written request for an examination analysis within 30 days after the executive director has sent the applicant's examination results.

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§344.42. Reexamination; Fee.

An applicant who fails the examination must repeat the entire examination and make full payment of the applicable fee.

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§344.43. Issuance of Certificate; Registration Fee.

(a) Once the executive director has determined that an applicant has passed the written examination, and the applicant has paid the registration fee in accordance with subsection (b) of this section and has complied with §344.59 of this title (relating to Seal Required) and §344.60 of this title (relating to Seal and Rubber Stamp Facsimile Design) as applicable, the executive director shall issue a certificate of registration and identification card to the applicant.

(b) The registration fee must be the applicable amount specified in §344.56 of this title (relating to Renewal of Certificate; Same Registration Number) prorated on a monthly basis beginning with the month during which the executive director informed the applicant that the examination was passed through the following August 31st. Payment of the fee must be made within 60 days after the date of the letter sent by the executive director to the applicant, indicating the amount of the fee. Payment must be made by personal check, money order, or cashier's check made payable to the Texas Natural Resource Conservation Commission.

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§344.46. Description of Certificate.

Certificates of registration will identify the registrant by name and registration number, show effective date and year, confirm the registrant's qualifications, and acknowledge the registrant as a licensed irrigator or licensed installer.

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§344.49. Display of Certificate.

Every person holding a certificate of registration must display it at the person's place of business or employment and be prepared to substantiate the annual renewal for the current year.

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§344.50. Replacement of Certificate.

A certificate of registration or identification card may be issued to a registrant to replace a lost or destroyed certificate or card provided that:

- (1) a current annual renewal is effective;
- (2) the registrant makes proper request for such replacement certificate or card and submits an affidavit containing an acceptable explanation of the loss or destruction of the original certificate or card; and
- (3) the registrant pays the \$10 replacement fee for each certificate or card.

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§344.51. Expiration of Certificate.

Certificates of registration expire on August 31 of each year unless renewed in accordance with §344.56(a) of this title (relating to Renewal of Certificate; Same Registration Number).

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§344.55. Notice of Certificate Expiration; Change of Address.

(a) The executive director will notify each licensed irrigator and licensed installer of the date of expiration of the certificate and the amount of the fee that is required for the annual renewal of registration. Such notice will be sent by first-class mail to the person's last known address according to records of the commission at least 30 days before the expiration of a licensed irrigator's or licensed installer's certificate.

(b) Licensed irrigators and licensed installers must immediately notify the executive director in writing of any change in mailing address.

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§344.56. Renewal of Certificate; Same Registration Number.

(a) A licensed irrigator may renew an unexpired certificate of registration by payment of a renewal fee in the amount of \$85 and submittal of documentation of having completed a minimum of 8 hours of agency approved continuing education credits prior to August 31. Payment must be made by personal check, money order, or cashier's check made payable to the Texas Natural Resource Conservation Commission.

(b) A licensed installer may renew an unexpired certificate of registration by payment of a renewal fee in the amount of \$50 prior to August 31. Payment must be made by personal check, money order, or cashier's check made payable to the Texas Natural Resource Conservation Commission.

(c) Renewal of a certificate of registration will be effected by issuance of a current identification card. Each identification card shall show the name of the registrant, the card's expiration date, and the number of the certificate of registration which it renews.

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§344.57. Failure To Renew Certificate of Registration; Notice; Penalty.

(a) If a person's licensed irrigator or licensed installer certificate of registration has been expired for 90 days or less, the certificate of registration is automatically suspended; however, the person may renew the certificate by paying the required renewal fee as stated in §344.56 of this title (relating to Renewal of Certificate; Same Registration Number), and a late payment fee that is one-half of the fee set out in §344.26 of this title (relating to Application and Examination Fees; Form of Payment). If a person fails to pay in full the certificate of registration renewal fee and late payment fee within 90 days after expiration of the certificate of registration, the certificate of registration will not be renewable. The person must requalify under Texas Water Code Chapter 34 by submitting to examination and otherwise complying with Subchapter C of this title (relating to Registration/Licensure of Irrigators and Installers) to obtain a new licensed irrigator's or licensed installer's certificate of registration.

(b) The executive director will immediately notify each licensed irrigator and licensed installer who has failed to renew the certificate of registration by its expiration date of such failure by mail sent to the person's last known address.

(c) Any failure of the executive director to notify a licensed irrigator or installer about renewal of a certificate of registration does not affect the requirements relating to renewal of certificates of registration upon licensees under this subchapter.

(d) Any irrigator or installer who acts as a licensed irrigator or licensed installer after the registration has been automatically suspended or has automatically expired pursuant to these sections is in violation of the Texas Water Code Chapter 34 and this chapter.

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§344.58. Unauthorized Use of Certificate.

(a) Only a licensed irrigator or licensed installer may use or attempt to use the certificate of registration.

(b) Anyone who uses or attempts to use the certificate of registration of someone else who is a licensed irrigator or licensed installer violates Texas Water Code Chapter 34 and this chapter.

(c) Any licensed irrigator or licensed installer who authorizes or allows anyone else to use the certificate of registration to act as a licensed irrigator or licensed installer violates this chapter.

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§344.59. Seal Required.

(a) Each licensed irrigator, upon registration and before issuance of the certificate of registration, must obtain a seal or a rubber stamp, as described in §344.60 (relating to seal and rubber stamp design), of the design authorized by the commission. The seal must be placed on all professional documents, including maps, plans, designs, drawings, and specifications, issued by a licensed irrigator for use in this state.

(b) Each licensed irrigator must file with the executive director in duplicate an impression of his seal or rubber stamp facsimile on letterhead or other business stationery which he proposes to use. A licensed irrigator must notify the executive director of any changes in the seal or rubber stamp facsimile.

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§344.60. Seal and Rubber Stamp Facsimile Design.

The required seal and rubber stamp impressions must be circular and not less than 1 ½ inches in diameter. The words "State of Texas" must be at the top between the two knurled circles and the words

"Licensed Irrigator" must be in a like position at the bottom. The licensed irrigator's name must be placed horizontally in the circular field accompanied by his certificate number. Letters and figures must be as bold as possible to insure legibility and durability.

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§344.61. Authorized Use of Seal and Rubber Stamp Facsimile.

(a) The licensed irrigator must sign their legal name on each professional document and must affix the imprint of the seal or rubber stamp facsimile of the seal over that signature. Use of a rubber stamp facsimile is required for application on all tracings to produce legible reproduction of all copies or prints made from such tracings.

(b) The presence of the licensed irrigator's seal imprint over their signature on any document constitutes the acceptance of all professional responsibility for the document and the work done pursuant to and in accordance with the document.

(c) The licensed irrigator is responsible for the security of the seal and rubber stamp.

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§344.62. Unauthorized Use of Seal or Rubber Stamp.

(a) Only a licensed irrigator or a person acting under their direction and on their behalf may use or attempt to use the seal or rubber stamp.

(b) Any licensed irrigator who authorizes anyone else to use the seal or rubber stamp except on behalf and under their direction violates this chapter.

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§344.63. Required Use of Seal.

Each licensed irrigator must affix the seal or rubber stamp impression to the original index page identifying all drawings covered, to the original cover and index page identifying all specification pages covered, and to other documents of service as well which are developed and issued under the direction or authorship of the licensed irrigator. In the absence of index pages or covers identifying all pages bound, each page of all original professional documents of service, including drawings, must have the seal or rubber stamp impression of the responsible licensed irrigator affixed. The absence of a seal or rubber stamp impression affixed to any professional documents or plans is a violation of this section.

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Repeal of: §§344.101, 344.104, 344.107, 344.110, 344.113, 344.116, 344.119, 344.112
New: §§344.20, 344.23, 344.26-344.30, 344.34, 344.37-344.43, 344.46, 344.49-344.51,

344.55-344.63

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